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SH2303209

# Los A[illegible]geles County Sheriff's Dep[illegible]ment

# Officer Involved Shooting



| Report Date: 12/16/2011 | Bureau/Station/Facility: Industry Station | Admin. Invest.? ☐ | Hit? ☑ |
|---|---|---|---|

## Incident Information

| URN: 911-14653-1463-055 | Date: 12/16/2011 | Time: 0334 Hours |
|---|---|---|
| City or Station: Industry Station | Nature of Incident: | |
| Location: [redacted] E. Valley Boulevard, Bassett | | |

**Location Type (*check one or more*):**
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☑ Street
Other:

**Lighting (*check only one*):**
☐ Darkness
☐ Daylight
☐ Other
☑ Street Lights

**Weather (*circle only one*):**
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance:

**Incident Type (*check one or more*):**
☐ Accidental
☑ Armed Person
☑ Fleeing Suspect
☑ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☑ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

**Initiated by (*check only one*):**
☐ Arrest Warrant
☐ Call
☑ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

**Prior Activity (*check only one*):**
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 2 | 0 |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*check only one*) | ShiftType (*check only one*) |
|---|---|---|---|---|---|
| [redacted] | Holly | Keith | S. | ☑ EM ☐ PM ☐ Day | ☑ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | M.I. |
|---|---|---|
| [redacted] | [redacted] | [redacted] |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |

| Last Name | First Name | M.I. |
|---|---|---|
| | | |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | M.I. |
|---|---|---|
| | | |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| | | | | |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*check one or more*) |
|---|---|---|---|---|
| [redacted] | Kim | Jeffery | | ☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |
| | | | | ☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Gutierrez | Gregory | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Chavez | Jose | |

**PSTD Use Only**

SH # 2303209

# Officer Involved Shooting

URN: 911-14653-1463-055



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 12/16/2011 | 0520 Hours | 02/18/2013 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| | Denison | Trent | |
| | Allen | Victor | |
| | Ault | Alicia | |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## *FORCE APPLIED* *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S1 | E | UC | | | | | NN | |
| S1 | E | FH | ZZ | | | | NN | |
| E | S1 | FH | BR | 9 | Y | Y | GS | BT/GE |
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See Front Side

# Officer Involved Shooting
# Involved Employee Information

URN: 911-14653-1463-055



## Involved Employee

E 1

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| | Moreno | Eric | M. |

| Sex: M Race: H | Rank: DSG | Unit Assignment: Compton Station | Work Assignment (Unit #, Module, etc.): (Industry) Unit 142 |
|---|---|---|---|
| ShiftTime (*circle only one*): [✓] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [✓] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used: |
| Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # — Interviewed? [ ] |
| Hrs of sleep prior to shooting: 6-8 Hours | Duty Time (hrs): | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [✓] Uniform w/ Vest | Other Factors: |
| Age: Height: 5-08 Weight: 195 | | | |
| Range Qualification Date: | PPC Qualification Date: | | Laser Training Date: |
| Certified with Weapon Used? | Patrol Certification? | Certification Unit: | Prior Shootings? — Number of Prior Shootings: 1 — Directed Force: |
| Weapons Fired Brand: Beretta | Caliber 9mm | # Shots 2 | Weapons Fired Brand: — Caliber — # Shots |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

E ___

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| | | | |

| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
|---|---|---|---|
| ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used: |
| Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # — Interviewed? [ ] |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest | Other Factors: |
| Age: Height: Weight: | | | |
| Range Qualification Date: | PPC Qualification Date: | | Laser Training Date: |
| Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] — Number of Prior Shootings: — Directed Force: [ ] |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: — Caliber — # Shots |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

E ___

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| | | | |

| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
|---|---|---|---|
| ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day | ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty | Intoxication/Drug Usage? [ ] | Substance Used: |
| Hospital Admission? [ ] | Hospital Name: | Coroner Case? [ ] | Coroner Case # — Interviewed? [ ] |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest | Other Factors: |
| Age: Height: Weight: | | | |
| Range Qualification Date: | PPC Qualification Date: | | Laser Training Date: |
| Certified with Weapon Used? [ ] | Patrol Certification? [ ] | Certification Unit: | Prior Shootings? [ ] — Number of Prior Shootings: — Directed Force: [ ] |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: — Caliber — # Shots |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |



See Other Side

# Officer Involved Shooting Suspect Information

URN: 911-14653-1463-055



## Suspect Information

**S 1**

| Field | Value |
|---|---|
| Last Name | Carreon |
| First Name | Esteban |
| M.I. | |
| AKA Last Name | Esteban |
| AKA First Name | Carreon |
| AKA M.I. | |
| Sex | M |
| Race | Hispanic |
| Street Address | [redacted] |
| City | [redacted] |
| State & Zip Code | [redacted] |
| Work Phone | [redacted] |
| Home Phone | [redacted] |
| Social Security # | [redacted] |
| Driver's License # | [redacted] |
| Age | 29 |
| D.O.B. | 06/12/1982 |
| Height | 5-09 |
| Weight | 180 |
| FBI # | [redacted] |
| CII # | [redacted] |
| Booking # | 2981287 |
| Primary Charge | 69 PC |
| Secondary Charge | 417.4 PC |
| Coroner Case? | ☐ |
| Coroner Case # | |
| Intoxication/Drug Usage? | ☑ |
| Substance Used | Methamphetamine |
| Armed? | ☑ |
| Apprehended? | ☑ |
| Mental Illness? | ☐ |
| Criminal History? | [redacted] |
| Vehicle Make | Nissan |
| Model | Maxima |
| Year | 2004 |

**S**

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:

**S**

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:

**S**

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:



See Other Side

# IAB INVESTIGATIVE SUMMARY

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## INVESTIGATIVE SUMMARY

| | |
|---|---|
| **Incident:** | On-Duty, Deputy Involved, Hit Shooting |
| **IAB File:** | SH2303209 |
| **Date / Time:** | Friday, December 16, 2011, 0334 Hours |
| **Location:** | 14562 East Valley Boulevard, Bassett |
| **Involved Deputy:** | Deputy Eric Moreno #[redacted]<br>Compton Sheriff Station |
| **Suspect:** | Estevan Carreon MH/29<br>(In-Custody) |

**Opening Statement**

On December 16, 2011, Internal Affairs Bureau investigators responded to an incident command post, erected by Industry Station personnel on Sunset Avenue North of Valley Boulevard, in the City of Industry. Sergeant Trent Denison, Sergeant Victor Allen and Lieutenant Alicia Ault were briefed regarding the circumstances of a Deputy Involved Shooting. Sergeant Fleischmann was assigned the responsibility for the administrative review of the incident. The Office of Independent Review was notified and Attorney Angelica Arias responded to the scene.

**Synopsis**

On Friday, December 16, 2011, Deputy Keith Holly, working alone as unit 141K1 and Deputy Eric Moreno, working overtime as unit 142, met together during their shift. Deputy Moreno got into Holly's patrol car so Holly could show him some high crime areas. Deputy Holly did this to familiarize Deputy Moreno with the area.

At approximately 0334 hours, they saw a silver Nissan Maxima leaving the "Paradise" strip club. The vehicle turned east onto Valley Boulevard, failing to signal for the turn. Deputy Holly made a U-turn, drove behind the vehicle and initiated a traffic stop. The vehicle continued for a short period and turned into a Shell gas station. The vehicle continued through the gas station lot to the rear drive-through car wash bay. As the suspect vehicle came to a stop, the front passenger, Suspect Carreon, exited his car at the same time Deputy Moreno exited the passenger side of the patrol car.

As Carreon exited his vehicle, he reached for his beltline with his right hand and he ran away from his vehicle. Deputy Moreno saw Carreon's left hand reach to the same area as his right hand. Carreon ran around the front of the suspect vehicle then eastbound through the drive-through car wash bay. Deputy Moreno initiated a foot pursuit of Carreon and broadcasted over his radio as he ran through the car wash bay.

Upon exiting the car wash, Suspect Carreon continued running in a north-east direction with Deputy Moreno approximately twenty feet behind him. As Carreon crossed Seventh Avenue, he tripped on the raised center median and fell to the ground onto the northbound lanes on Seventh Avenue. As Carreon fell, numerous items fell onto the pavement from his person. The fall caused Carreon to flip around so he was now facing Deputy Moreno. As Carreon began to get up, Deputy Moreno saw Carreon grab a gun from his waistband. Carreon turned and, again, began running east toward a bus bench shelter with the gun in his hand. Throughout the entire foot pursuit, Deputy Moreno ordered Carreon to stop. All of his orders were ignored by Suspect Carreon.

Deputy Moreno believed that Carreon was going to engage him in a gun battle, by either turning and shooting at any time or engaging him once he gained the cover of the bus bench shelter. Fearing for his safety, Deputy Moreno fired two rounds from his Beretta 92F pistol at Suspect Carreon to stop the threat he posed. Suspect Carreon took a few stumble steps and fell onto a grass area near the south-east corner of Seventh Avenue and Valley Boulevard. Deputy Moreno finished his emergency radio broadcast, advising he had been in a shooting and needed assistance at his location. Moreno's foot pursuit and shooting radio transmissions together lasted approximately thirteen (13) seconds.

As Deputy Moreno chased Suspect Carreon, Deputy Holly removed the driver, [redacted] from the suspect's vehicle. Deputy Holly began to search [redacted] by the rear of his patrol car when he heard some yelling and two gunshots. Not knowing who was shooting and not being able to see where Deputy Moreno had gone, Deputy Holly put the suspect, un-handcuffed, into the back of the patrol car. He then ran down the sidewalk between the service station and the car wash, toward the direction of the gunshots. When Deputy Holly reached the west sidewalk of Seventh Avenue, he saw Deputy Moreno near the corner of Seventh Avenue and Valley Boulevard.

Holly went to where Moreno and Suspect Carreon were and ascertained that Moreno was not hit. Holly saw Suspect Carreon had blood coming from his upper buttocks area and he saw a black "Glock" on the grass, approximately one foot away from Carreon's hand.

Deputy Moreno told Holly to approach Suspect Carreon while remaining out of Moreno's line of fire, in order to kick the gun away from Carreon's reach. After doing so, Holly handcuffed and searched Suspect Carreon. Assisting units arrived on scene a short time after Carreon was handcuffed.

Suspect Carreon was medically treated at the scene by paramedics from the Los Angeles County Fire Department. He was subsequently transported to Los Angeles County USC-Medical Center for treatment of one through and through gunshot wound to the left buttock and testicle.

It was later learned by Homicide Bureau's investigation that Suspect Carreon and Suspect had committed a vehicle burglary in the parking lot of the "Paradise" strip club, just prior to the deputies seeing them drive out of the parking lot. For further information refer to Homicide Investigation book, **Exhibit A.**

Closed Circuit Television (CCTV) surveillance footage from the Shell gas station was obtained, **Exhibit B.** It showed the deputies traffic stop, parts of the subsequent foot pursuit on the gas station property by Deputy Moreno and Deputy Holly's interaction with the driver suspect. CCTV surveillance footage from the Burger King restaurant located near the location of the deputy involved shooting was also obtained, **Exhibit B.** It is poor quality due to lack of lighting in the business' parking lot and show's silhouetted figures of the deputies after the shooting had occurred and the arrival of assisting deputy personnel. Video from four traffic cameras, mounted on the traffic light standards at Seventh Avenue and Valley Boulevard were unable to be obtained by Tech Crew Detectives.

On April 30, 2013, the Los Angeles County District Attorney's Office rendered a Letter of Opinion determining Deputy Moreno acted in lawful self-defense and they closed the case. For further information, refer to Letter of Opinion, **Exhibit C.**

**<u>Involved Personnel</u>**

Deputy **Eric Moreno #** Central Patrol Division-Compton Station, working overtime at Industry Station during incident.

**<u>Work History</u>**

| | |
|---|---|
| **Department Hire Date:** | 07/03/2000 |
| **Date Assigned to Patrol:** | |
| **Date Completed Patrol Training:** | |
| **Date Assigned to Compton Station:** | |
| **Prior Shooting Incidents:** | 04/26/2009, Fleeing, Armed Suspect |

**<u>Suspect</u>**

Esteban Carreon MH/29
DOB 06/12/1982
Booking Number 2981287
Criminal History:

**Criminal Complaint**
On December 14, 2012, the Los Angeles County District Attorney's Office filed one **FELONY** count against Suspect Carreon. He was charged with Resisting an Executive Officer, 69 PC, in **FELONY** complaint KA100369. Suspect Carreon plead guilty to that charge. He received a sentence of 16 months in Los Angeles County Jail.

**Injuries**
Suspect Carreon sustained one through and through gunshot wound to the left buttocks and scrotum. No deputies were injured.

**Physical Evidence**
All physical evidence was located and collected by Homicide Bureau investigators and Scientific Services Bureau personnel. For descriptions of the evidence collected, where it was located, photographs of the scene and the crime scene sketch, refer to the Homicide Investigation Book, **Exhibit A, Pages 38-46 and 124-130** as well as the crime scene photographs, **Exhibit D.**

**Investigators Observations**
IAB investigators observed a marked black and white patrol car facing south in the rear parking area of the Shell station, near the car wash bay. The patrol car spot lights, headlights and forward facing red and blue lights were lit, as well as the rear warning lights. Directly in front of the patrol car was a silver Nissan Maxima. On the street, just east of the raised center median of Seventh Avenue, were items of personal property and papers. Suspect Carreon's bloodied clothing was located on the east sidewalk of Seventh Avenue, north of the bus bench shelter. On the grass area north of the bus bench shelter was a black pistol which resembled a Glock firearm, later determined to be a pellet gun.

**Weapon used by Deputy Moreno**
Department issued Beretta 92F, 9mm, semi-automatic pistol, Serial# BER[redacted] and Department issued 9mm ammunition. Refer to the Scientific Services report contained in the Homicide Investigation Book **[Exhibit A, Page 120]**.

**Weapon used by Suspect Carreon**
Black and gray pellet gun, which resembled a life size "HK" style semi-automatic handgun.

**Property Damage**
None.

**Criminal Investigators**
Homicide Sergeant Kevin Lloyd
Homicide Detective Gene Morse

**Lighting and Weather Conditions**
The incident occurred during the hours of darkness. The area of the traffic stop was lit from operable lights around the Shell service station convenience store, gas pump bays and light posts. Both headlights and spotlights on the deputies' patrol car were activated and the car wash bay's interior lights were illuminated. The area of the shooting was lit by operable streetlights. The weather was cold, clear and dry.

**Involved and witness deputy Interview**
*Deputy Moreno and Deputy Holly were interviewed by Homicide Bureau Investigators on December 16, 2011. A summary of their interviews are in the Homicide Investigation Book. Deputy Moreno's interview begins on page 23 of the Homicide Investigation Book, Exhibit A. Deputy Holly's interview begins on page 22 of the Homicide Investigation Book, Exhibit A. Internal Affairs Bureau investigators reviewed the audio recording of the interviews and found that Homicide's summary of the interviews is an accurate account of what was said.*

*Internal Affairs Bureau Investigators interviewed Deputy Moreno and Deputy Holly on January 15, 2014. The following is a summary of those interviews. For more information and precise wording, see attached verbatim interview transcriptions.*

Deputy **Eric Moreno** remembered seeing the suspect vehicle leaving the parking lot of the "Paradise" strip club and noticed the driver had a startled look. The suspect watched them as Holly made a U-turn behind their vehicle. After Holly activated the patrol car's lights to make the traffic stop, Deputy Moreno noted the car slowly rolled into the car wash as if the suspects were stalling. He also saw the passenger side door was already opening before the suspect vehicle came to a stop.

Deputy Moreno was going to approach the suspect's car as fast as possible in order to cover and observe the occupants. As he exited, Suspect Carreon exited also and brought his right hand to his belt line. Carreon began to run and his left hand came to the same area as his right hand as if Carreon was holding/securing something. Based on Moreno's training and experience, Suspect Carreon gave indicators that made him believe he was armed. Moreno's observations of the suspect vehicle delaying in stopping for them and the way Carreon exited, added to his belief that Carreon was armed.

Deputy Moreno ran after Suspect Carreon around the front of the suspect vehicle and east through the car wash bay. As he ran, Moreno gave orders to Carreon to stop, which he ignored. The interior of the car wash was lit and he could see the suspect and maneuver around any obstacles. Once entering the car wash bay, he lost sight of his partner and initiated an emergency radio broadcast. Deputy Moreno continued running after Carreon while he waited for SCC to acknowledge his radio broadcast. Deputy Moreno said he had planned on

following Carreon as far as he could, without losing view of him, while updating units in order to establish a containment. Deputy Moreno said he did not have time to complete his radio traffic, because Suspect Carreon tripped over the raised center median of Seventh Avenue and fell to the ground in the northbound lanes of traffic.

Deputy Moreno stopped in the number two lane of southbound traffic on Seventh Avenue and held Carreon at gunpoint. Carreon ended up in a position facing him and he could see a handgun in Carreon's waist area. Suspect Carreon quickly got up, pulled the handgun from his waist, turned and began to run east toward a bus bench shelter. Carreon disregarded orders to stop and drop the gun. When Carreon did not discard the weapon he felt Carreon was going to turn and shoot him or engage him in a gunfight once he reached the cover of the bus bench enclosure. Deputy Moreno fired two rounds at Carreon in order to stop the threat. His shots caused Carreon to stumble a few steps prior to falling onto a grass area just north of the bus bench shelter. Carreon ended up lying on his right side with his gun about a foot away from his hand. Deputy Moreno gave Suspect Carreon orders to not move while holding him at gunpoint. He then was able to broadcast he was involved in a shooting. See transcription of Deputy Moreno's broadcast for further, **Exhibit E**.

When Deputy Holly came over to where he was holding the suspect, He told Holly to kick the handgun further away from Suspect Carreon's hand while Moreno covered him. Once Holly kicked the gun away, he was able to handcuff the suspect. The first assisting unit arrived in about a minute and fire department personnel arrived three minutes afterward.

Deputy Moreno marked on an ariel photograph taken of the scene where he and the suspect were when he made his first radio transmission (green ink) and where both he and the suspect were at the time he shot Suspect Carreon (red ink). Deputy Moreno indicated where he was with an "X" and Suspect Carreon with an "O". For further information, see the photograph Deputy Moreno marked on **Exhibit F.**

Deputy **Keith Holly** said while driving west on Valley Boulevard, they saw a silver Nissan Maxima exiting the "Paradise" strip club. The Maxima did not signal as it turned. Holly made a U-turn, got behind the Maxima and initiated a traffic stop.

**IAB Note: The Industry Station in-service for EM Shift shows Deputy Holly and Deputy Moreno assigned to different radio cars. For further, refer to Exhibit A, Page 159.**

The suspect's car continued as if the driver was trying to find a place to stop. The vehicle turned into the Shell gas station and proceeded toward the rear of the station lot. Deputy Holly was expecting the vehicle to stop in the front area of

the gas station, near the pumps, but the car continued toward the rear of the gas station. This action raised both he and Deputy Moreno's alertness that something was not right. They told each other to watch the occupants because of where they were stopping. As the suspect vehicle slowed to a stop, the front passenger door opened as Deputy Moreno exited the passenger side of their patrol car for his approach to cover the occupants. The suspect exited, ran around the front of the Nissan Maxima and east into the car wash with Deputy Moreno running after him.

Deputy Holly detained the driver and brought him back to the rear of his patrol car. Deputy Holly began to search the suspect when he heard two gun shots. He did not know who had fired the shots, but heard them coming from the east, where Deputy Moreno had ran after Suspect Carreon. Holly placed Suspect [redacted] in the back of his patrol car, un-handcuffed, and ran in the direction he heard the shots, toward Seventh Avenue. Upon reaching the street, he saw Deputy Moreno near the corner of Valley Boulevard and Seventh Avenue. Witness [redacted] who was seated on the bus bench nearest the Shell gas station, also told him where his partner was.

Deputy Holly ran to where Deputy Moreno was and confirmed his partner was okay. He saw that Suspect Carreon had been shot and saw a black pistol on the grass near the suspect's hand. He approached the suspect and kicked the pistol away from Carreon. Holly handcuffed the suspect and conducted a search of him. Assisting units arrived a short time later and fire personnel arrived two to three minutes after that and treated the suspect.

Deputy Holly marked on an ariel photograph of the crime scene, **Exhibit G**, showing the position of the suspect after he was shot.

**<u>Civilian Witness Statements</u>**

*Civilian witnesses were identified by Industry Station deputies and Homicide Bureau Investigators. The following are summaries of the witness interviews. For further information, see the referenced pages found in the Homicide Investigation Book,* ***Exhibit A.*** *For more information and precise wording, see the attached verbatim interview transcription.*

Witness [redacted] (Page 21) was sitting at the bus bench on the west side of Seventh Avenue when he saw the suspect run past him to his right. The suspect fell down on the east side of the center median, then got up and took approximately four strides. [redacted] then heard shooting. He saw the deputy shoot three times in rapid succession and saw the suspect fall down.

> **IAB Note: Investigation revealed Deputy Moreno fired two rounds at Suspect Carreon, as evidenced by two expended shell casings at the scene and fourteen of sixteen live rounds left in Moreno's firearm.**

Witness [redacted] said the suspect was facing the deputy just prior to the shooting. He heard the deputy telling the suspect "Don't move." Another deputy came running from behind him after the shooting, asking the whereabouts of his partner. [redacted] directed the second deputy (Holly) to where the shooting occurred. Additional deputies arrived about three minutes later and paramedics arrived two minutes after that. [redacted] turned away at this point and was looking at lights.

Witness [redacted] was the driver of the vehicle stopped by Deputy Holly and Deputy Moreno. He was not a percipient witness to the deputy involved shooting, however he was interviewed by Homicide Bureau detectives. His interview is summarized in the Homicide Investigation Book, **Exhibit A, Page 27**.

**<u>Suspect Statements</u>**

*On December 16, 2011, Suspect Carreon was interviewed by Homicide Bureau Investigators at Los Angeles County-USC Medical Center. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription and the Homicide Investigation Book,* ***Exhibit A, Page 28.***

Suspect **Esteban Carreon** told investigators he had broken into a vehicle in the strip club parking lot on Valley Boulevard and stole several items. When he and his friend were leaving the parking lot of the strip club, the deputies shined a light on them and pulled in behind their car. They pulled into the gas station and his friend pulled out a gun and put it down. He said he was not thinking, grabbed the gun and ran because he did not want to go to jail. Carreon admitted the gun resembled a "Glock" style handgun. Carreon said he ran through the car wash, out into the street where and tripped on the center median This caused the gun to fall out. Carreon grabbed the gun, like a football, tucked it close to his body and he was then shot in the buttocks by the deputy. After being shot, he fell to the ground with the gun near his right side.

Suspect Carreon understood why the deputy shot him, saying, "Yea, he had every right, his life was in danger." He added, "All it takes is for me to turn around and shoot." Carreon said he had prior military experience in the United States Army. He added he had smoked methamphetamine the evening prior to the incident.



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION


**JACKIE LACEY • District Attorney**
**SHARON J. MATSUMOTO • Chief Deputy District Attorney**
**JOSEPH P. ESPOSITO • Assistant District Attorney**

**SCOTT K. GOODWIN • Director**


April 30, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 11-0796
L.A.S.D. File # 011-14653-1463-055

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 16, 2011, non-fatal shooting of Esteban Carreon by Los Angeles County Sheriff Deputy Eric Moreno. It is our conclusion that Deputy Moreno acted in lawful self defense.

The District Attorney's Command Center was notified of the shooting on December 16, 2011, at approximately 4:17 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Delport and District Attorney Senior Investigator Norman Weisentein, responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Kevin Lloyd and Gene Morse, LASD, Homicide Bureau. Deputy Moreno provided a voluntary statement which was considered as part of this analysis.

## FACTUAL ANALYSIS

On December 16, 2011, at approximately 3:30 a.m., Deputies Keith Holly and Eric Moreno were working uniformed patrol in a marked black and white police vehicle. Holly was driving westbound on Valley Boulevard when they noticed a Nissan Maxima exiting the Paradise Strip Club. The driver, subsequently identified as [redacted] failed to signal prior to making a left turn onto eastbound Valley Boulevard.[1] Holly made a u-turn and activated the patrol vehicle's red lights and spot light in order to initiate a traffic stop. The Maxima entered a gas

[1] Violation of California Vehicle Code section 22107.


**Clara Shortridge Foltz Criminal Justice Center**
**210 West Temple Street**
**Los Angeles, CA 90012-3210**
**(213) 974-3888**
**WEBSITE: http://da.co.la.ca.us**

station at the southwest corner of Valley Boulevard and Seventh Avenue. As the vehicle came to a stop, the passenger, Esteban Carreon, opened the front passenger door and fled from the car. Moreno noticed that Carreon's right hand was near his waistband with his left hand covering the same area. Moreno went in foot pursuit of Carreon while Holly remained with

Moreno ordered Carreon to stop multiple times as he chased him through a car wash bay and eastbound across Seventh Avenue. Carreon tripped over the center median and fell. Moreno observed several items falling from Carreon. When Carreon stood back up, Moreno saw the grip and trigger area of a semiautomatic handgun in Carreon's waist area. Carreon grabbed the handle of the gun as if to remove it while turning away from Moreno. Moreno ordered Carreon to stop and show his hands. Carreon ignored the commands and ran several more feet. Moreno could no longer see what Carreon was doing with the gun and feared that Carreon was going to turn around and shoot him. In fear for his life, Moreno fired two rounds at Carreon.

Carreon continued running to the east sidewalk of Seventh Avenue and fell to the ground. Moreno observed the gun fall from his right hand and land approximately three inches from Carreon. Moreno held him at gunpoint while ordering him not to move.

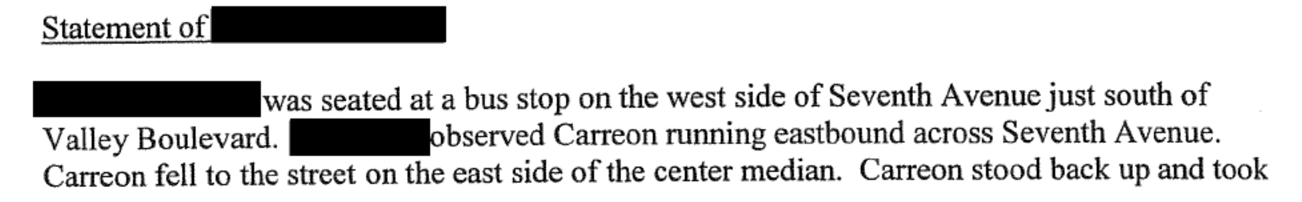
Meanwhile, Holly was removing  from the Maxima when he heard yelling followed by two gunshots. After placing  in the back of the patrol car, Holly ran to Seventh Avenue and saw Moreno holding Carreon at gunpoint. Holly observed a black gun, which appeared to be a Glock semiautomatic, lying just north of Carreon. Holly kicked the gun away form Carreon and then handcuffed him.

Carreon was transported to Los Angeles County Medical Center and treated for a gunshot wound to the left buttock.

Firearm Evidence

A black and grey replica gun was recovered in the grass area on the east sidewalk of Seventh Avenue where Carreon fell after being shot. The gun, which appeared to function as a pellet gun, had "HF" stamped on the area that would be a slide if it were a working semiautomatic handgun.

A black plastic magazine with "HF" imprinted on the flat end of the magazine was located on the right front passenger floorboard of the Nissan Maxima.



Statement of

 was seated at a bus stop on the west side of Seventh Avenue just south of Valley Boulevard.  observed Carreon running eastbound across Seventh Avenue. Carreon fell to the street on the east side of the center median. Carreon stood back up and took

four steps when [redacted] saw Moreno fire his weapon three times in rapid succession.[2] [redacted] said that Carreon was facing the deputy just before the shooting. Carreon tripped several times then fell to the grass area at the east curb. [redacted] heard Moreno tell Carreon not to move. Additional deputies arrived at the scene followed by paramedics.

Statement of Esteban Carreon

Esteban Carreon was interviewed by investigators on December 16, 2011, at approximately 6:38 p.m. after waiving his Miranda rights. Carreon stated that he broke into a car at the strip club and stole a GPS device.[3] After [redacted] pulled out of the parking lot, deputies pulled in behind their car and shined a light on them. [redacted] pulled into a gas station and placed a gun down in the car. Without thinking, Carreon grabbed the gun and fled. Carreon ran through a car wash onto Seventh Avenue where he tripped and fell. The gun fell to the ground and he grabbed it with his right hand and tucked it close to his body, like a football. At that time he heard three shots and was struck in the buttocks. Carreon fell to the ground, the gun landing near his right side. Investigators asked Carreon whether he understood why the deputy shot him. Carreon replied, "Yeah. He had every right, his life was in danger." Carreon also stated, "All it takes is for me to turn around and shoot." Carreon admitted smoking methamphetamine the night of December 15, 2011. Blood was drawn from Carreon at the hospital which tested positive for the presence of methamphetamine.

**CONCLUSION**

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.
[See CALCRIM No. 505]

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App. 2d 577, 580.

The evidence examined in this investigation shows that Deputies Holly and Moreno were attempting to conduct a lawful traffic stop when Carreon fled from the car in possession of a replica semiautomatic handgun. After ignoring multiple commands to stop, Moreno observed Carreon grab the handle of the gun as if he was removing it from his waist. Carreon then turned his back on Moreno who could no longer see what Carreon was doing with the gun. Carreon's actions placed Moreno in reasonable fear for his life and his response with deadly

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[2] An inspection of Deputy Moreno's service weapon determined that he fired two rounds.
[3] A GPS was recovered in the Maxima but investigators were unable to identify the victim of the car burglary.

force was reasonable. The fact that the handgun turned out to be a replica does not change the analysis and conclusion in this case. The replica gun was designed to look as if it was an actual firearm and Moreno believed that it was, in fact, a real gun.

We find that Deputy Eric Moreno acted in lawful self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By *Deborah A. Delport*

DEBORAH A. DELPORT
Deputy District Attorney
(213) 974-3888

c: Deputy Eric Moreno #[redacted]